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13 *Philips Electronics North America Corporation*

14  
15 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN FRANCISCO DIVISION**

17 In re: CATHODE RAY TUBE (CRT)  
18 ANTITRUST LITIGATION

Case No. 07-5944 SC  
MDL No. 1917

19 This Document Relates to:

20 ALL INDIRECT-PURCHASER ACTIONS  
21  
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23  
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**DECLARATION OF CHARLES M.  
MALAISE IN SUPPORT OF PANASONIC  
DEFENDANTS' ADMINISTRATIVE  
MOTION TO SEAL DOCUMENTS  
PURSUANT TO CIVIL LOCAL RULES 7-  
11 AND 79-5(d)**

1 I, Charles M. Malaise, hereby declare as follows:

2 1. I am an associate with the law firm of Baker Botts L.L.P., counsel for Defendants  
3 Koninklijke Philips N.V. ("KPNV") and Philips Electronics North America Corporation ("PENAC")  
4 (collectively, the "Philips Defendants"). I make this declaration in support of the Panasonic  
5 Defendants' Administrative Motion to Seal Documents Pursuant to Civil Local Rules 7-11 and 79-  
6 5(d) (Dkt. No. 1786) ("Motion to Seal").

7 2. I have personal knowledge of the facts set forth herein and, if called upon, could and  
8 would competently testify thereto under oath.

9 3. On June 18, 2008, the Court issued a Stipulated Protective Order (Dkt. No. 306) (the  
10 "Stipulated Protective Order").

11 4. The Philips Defendants have produced in this action certain documents and  
12 information designated as either "Confidential" or "Highly Confidential" pursuant to the Stipulated  
13 Protective Order.

14 5. On July 22, 2013, the Panasonic Defendants filed the Motion to Seal in which they  
15 asked this Court to seal the following documents, or portions thereof, pursuant to Civil Local Rules  
16 7-11 and 79-5(d):

17 a. Portions of Defendants' Joint Objections to the Report and Recommendation  
18 Regarding Indirect Purchaser Plaintiffs' Motion for Class Certification (the  
19 "Class Cert. Objections") that contains quotations or information from  
20 documents and/or deposition testimony that the parties have designated  
21 "Confidential" or "Highly Confidential;" and

22 b. Portions of Defendants' Joint Objections to the Report and Recommendation  
23 Regarding Defendants' Motion to Strike Proposed Expert Testimony that  
24 contains quotations or information from documents and/or deposition  
25 testimony that the parties have designated "Confidential" or "Highly  
26 Confidential."

27 6. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of the Philips  
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1 Defendants to provide the basis for the Court to maintain under seal certain documents and  
2 information designated by the Philips Defendants as “Confidential” and “Highly Confidential” and  
3 all references to those documents and information in the Class Cert. Objections.

4 7. Pursuant to Civil Local Rules 7-11 and 79-5(d), this Court’s General Order No. 92,  
5 Electronic Filing of Documents Under Seal, effective May 10, 2010, and the Stipulated Protective  
6 Order, information on pages 4 and 25 should be maintained under seal and redacted from the Class  
7 Cert. Objections as it relies upon Philips’ documents and deposition testimony that have been  
8 designated as “Confidential” or “Highly Confidential” pursuant to the Stipulated Protective Order.

9 8. The information in question from the Class Cert. Objections rely on documents and  
10 deposition testimony designated by the Philips Defendants as either “Confidential” or “Highly  
11 Confidential” pursuant to the Stipulated Protective Order because they contain confidential,  
12 nonpublic, and highly sensitive business information. They contain confidential, non-public  
13 information about the Philips Defendants’ sales practices, business and supply agreements, and  
14 competitive positions. The documents and deposition testimony describe relationships with  
15 companies - including customers and vendors - that remain important to the Philips Defendants’  
16 competitive positions. Publicly disclosing this sensitive information presents a risk of undermining  
17 the Philips Defendants’ relationships, would cause harm with respect to the Philips Defendants’  
18 competitors and customers, and would put the Philips Defendants at a competitive disadvantage.

19 I declare under penalty of perjury under the laws of the United States of America that the  
20 foregoing is true and correct.

21 Executed on July 29, 2013 in Washington, D.C.

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Charles M. Malaise